

Notice of Allowability

Application No.

10/092,008

Examiner

Steven B. Theriault

Applicant(s)

NGUYEN, LOC V.

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 09/14/2005.
2. ☒ The allowed claim(s) is/are 1-43.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

BA HUYNH
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kory Christensen on 11/17/2005.

In the Claims, please amend the claims as attached:(The application has been amended by applicant and sent to examiner via fax).

Allowable Subject Matter

2. Claims 1-43 are allowed.
3. The following is an examiner's statement of reasons for allowance

Claims 1, 22, 40, 41 and 42

The closest prior art is Easty et al. (U.S. Patent No 6,448,987 B1) teaches a method and system for displaying menu structures in a set of concentric circles where the outer circle comprises the first set of circumferentially displayed menu items, which upon user selection the menu displays a second inner circle of menu items inside the first circle with related content. Easty further teaches that additional menus can be employed as a third inner ring in the circle. Easty teaches a highlighting indicator to show the users selections on either ring. The selections on the inner ring are animated as a sequential highlighting process is employed for showing the location of the selected item on the second ring as it relates to the first ring selection. Further, Easty teaches the content within the menu items is dynamically determined and can comprise any number of sub-content categories.

Easty fails to teach where a user makes a first selection on the first polygonal set of menu items, which are displayed circumferentially, where from the user selection the second inner circle of menu items is displayed relative to the first and where the **selections always define a radially-aligned path** through the first and second menus, as recited in the amended claims. The prior art of Ohkura et al (U.S. Patent No. 6,005, 601) teaches an electronic program guide where a series of cylinders are rotated in which the program guide content is displayed on each cylinder and the cylinders content is aligned with other cylinders content in the form of an animated spinning of wheels to present a given days programming.

The prior art of Reuleaux teaches a known mathematical formula for computing and displaying a curvilinear polygon on a display screen. The examiner relied on the art of Reuleaux to teach where a bound curvilinear shape has polygonal sides and the examiner argued in the advisory action that since curvilinear shapes can be shown to also be polygonal shapes that the curvilinear menu shapes of Easty could be modified based on the teachings of Reuleaux to be polygonal shapes. However, in light of Applicants arguments and the subsequent amendments neither the prior art of Reuleux nor Easty teach a set of polygonal menus where a radially-aligned selection path is always shown between the first and second menus as recited in the claims.

Ohkura was used by the examiner in the prior final rejection to teach a radial alignment option because in the broadest reasonable interpretation the menus of Ohkura could be interpreted as presenting radial menus if the reference point is from the center of the cylinder. However in light of the amended claims and the applicants arguments, the prior art Ohkura does not expressly teach a radial alignment selection path through a first and selection menus as defined by the applicant (see arguments page 14, Para 2, lines 1-5) where the user selects a first menu item and the menu rotates to the fixed indicator. In contrast, Ohkura teaches the user rotates the menu to a highlighted area. Further, Ohkura teaches the rotation of a second menu again through user movement and not the menu rotating to align with a fixed selection indicator based on user selection.

Claims 2-21, 23-39 and 43:

These claims are dependent upon Claims 1, 22 and 42 are thus allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. Theriault whose telephone number is (571) 272-5867. The examiner can normally be reached on M-F 7:30 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SBT

BA HUYNH
PRIMARY EXAMINER

